

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**LADARION HUGHES, ANGELA
ALONZO, and DEMARCUS LIVELY,**

Plaintiffs,

v.

SMITH COUNTY, TEXAS,

Defendant.

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Civil Action No. 6:23-cv-344

**DEFENDANT’S ANSWER, AFFIRMATIVE DEFENSES, AND
JURY DEMAND TO PLAINTIFFS’ ORIGINAL COMPLAINT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Smith County, Texas, Defendant in the above-styled and -numbered cause, and files this its Answer, Affirmative Defenses, and Jury Demand, and would respectfully show unto the Court as follows:

**I.
ANSWER**

1. To the extent that the Court construes the Table of Contents on page ii of Plaintiffs’ Original Complaint to be allegations within the meaning of Federal Rule of Civil Procedure 8(b)(1)(B), Defendant denies such allegations and denies that any of its actions violated any of Plaintiffs’ constitutional rights.
2. To the extent that the Court construes the Table of Authorities on page iii of Plaintiffs’ Original Complaint to be allegations within the meaning of Federal Rule of Civil Procedure 8(b)(1)(B), Defendant denies such allegations and denies that any of its actions violated any of Plaintiffs’ constitutional rights.

3. Defendant denies the allegations contained in paragraph 1 of Plaintiffs' Original Complaint and all footnotes thereto.
4. Defendant denies the allegations contained in paragraph 2 of Plaintiffs' Original Complaint.
5. Defendant is without sufficient information to admit or deny the allegations contained in the first sentence of paragraph 3 of Plaintiffs' Original Complaint. Defendant denies the remaining allegations in paragraph 3 of Plaintiff's Original Complaint.
6. Defendant is without sufficient information to admit or deny the allegations contained in the first sentence of paragraph 4 of Plaintiffs' Original Complaint. Defendant denies the remaining allegations in paragraph 4 of Plaintiff's Original Complaint.
7. Defendant is without sufficient information to admit or deny the allegations contained in the first sentence of paragraph 5 of Plaintiffs' Original Complaint. Defendant denies the remaining allegations in paragraph 5 of Plaintiffs' Original Complaint.
8. Defendant is without sufficient information to admit or deny the allegations contained in paragraph 5 of Plaintiffs' Original Complaint.
9. Defendant admits that Smith County is a political subdivision of the state of Texas as alleged in paragraph 6 of Plaintiffs' Original Complaint. Defendant denies the remaining allegations in paragraph 6 of Plaintiffs' Original Complaint.
10. Defendant admits that this Court has subject matter jurisdiction over any claims Plaintiffs attempt to make pursuant to federal law as alleged in Paragraph 7 of Plaintiffs' Original Complaint but denies that Plaintiffs are entitled to any relief as a result of their claims.
11. Defendants admit that venue is proper in this Court as alleged in Paragraph 8 of Plaintiffs' Original Complaint.

12. To the extent that the Court construes the subheading contained on page three of Plaintiffs' Original Complaint to be an allegation within the meaning of Federal Rule of Civil Procedure 8(b)(1)(B), Defendant denies such allegation and denies that any of its actions violated any of Plaintiffs' constitutional rights.

13. Defendant denies as worded the allegations contained in paragraph 9 of Plaintiffs' Original Complaint and all footnotes thereto.

14. Defendant denies the allegations contained in paragraph 10 of Plaintiffs' Original Complaint.

15. Defendant denies the allegations contained in paragraph 11 of Plaintiffs' Original Complaint.

16. Defendant denies as worded the allegations contained in paragraph 12 of Plaintiffs' Original Complaint.

17. Defendant denies the allegations contained in paragraph 13 of Plaintiffs' Original Complaint.

18. Defendant denies as worded the allegations contained in paragraph 14 of Plaintiffs' Original Complaint.

19. Defendant denies the allegations contained in paragraph 15 of Plaintiffs' Original Complaint.

20. Defendant denies the allegations contained in paragraph 16 of Plaintiffs' Original Complaint.

21. Defendant denies as worded the allegations contained in paragraph 17 of Plaintiffs' Original Complaint.

22. Defendant denies as worded the allegations contained in paragraph 18 of Plaintiffs' Original Complaint.

23. To the extent that the Court construes the image pasted on page 6 Plaintiffs' Original Complaint to be an allegation within the meaning of Federal Rule of Civil Procedure 8(b)(1)(B), Defendant denies such allegation and denies that any of its actions violated any of Plaintiffs' constitutional rights.

24. Defendant denies as the allegations contained in paragraph 19 of Plaintiffs' Original Complaint and the footnote thereto.

25. Defendant denies as worded the allegations contained in paragraph 20 of Plaintiffs' Original Complaint.

26. Defendant denies the allegations contained in paragraph 21 of Plaintiffs' Original Complaint.

27. Defendant denies as worded the allegations contained in paragraph 22 of Plaintiffs' Original Complaint.

28. Defendant denies as worded the allegations contained in paragraph 23 of Plaintiffs' Original Complaint.

29. Defendant denies as worded the allegations contained in paragraph 24 of Plaintiffs' Original Complaint.

30. Defendant denies as worded the allegations contained in paragraph 25 of Plaintiffs' Original Complaint.

31. Defendant denies as worded the allegations contained in paragraph 26 of Plaintiffs' Original Complaint and the footnote thereto.

32. Defendant denies as worded the allegations contained in paragraph 27 of Plaintiffs' Original Complaint.

33. Defendant denies the allegations contained in paragraph 28 of Plaintiffs' Original Complaint.

34. Defendant denies as worded the allegations contained in paragraph 29 of Plaintiffs' Original Complaint.

35. Defendant denies as worded the allegations contained in paragraph 30 of Plaintiffs' Original Complaint.

36. Defendant denies as worded the allegations contained in paragraph 31 of Plaintiffs' Original Complaint.

37. Defendant denies the allegations contained in paragraph 32 of Plaintiffs' Original Complaint.

38. Defendant denies as worded the allegations contained in paragraph 33 of Plaintiffs' Original Complaint.

39. Defendant denies the allegations contained in paragraph 34 of Plaintiffs' Original Complaint.

40. Defendant denies the allegations contained in paragraph 35 of Plaintiffs' Original Complaint.

42. Defendant denies as worded the allegations contained in paragraph 36 of Plaintiffs' Original Complaint.

43. Defendant denies the allegations contained in paragraph 37 of Plaintiffs' Original Complaint.

44. Defendant denies as worded the allegations contained in paragraph 38 of Plaintiffs' Original Complaint.

45. Defendant denies as worded the allegations contained in paragraph 39 of Plaintiffs' Original Complaint.

46. Defendant denies as worded the allegations contained in paragraph 40 of Plaintiffs' Original Complaint and the footnote thereto.

47. Defendant denies the allegations contained in paragraph 41 of Plaintiffs' Original Complaint and the footnote thereto.

48. Defendant denies the allegations contained in paragraph 42 of Plaintiffs' Original Complaint.

49. Defendant denies the allegations contained in paragraph 43 of Plaintiffs' Original Complaint.

50. Defendant denies the allegations contained in paragraph 44 of Plaintiffs' Original Complaint.

51. Defendant denies as worded the allegations contained in paragraph 45 of Plaintiffs' Original Complaint.

52. Defendant denies the allegations contained in paragraph 46 of Plaintiffs' Original Complaint.

53. Defendant denies the allegations contained in paragraph 47 of Plaintiffs' Original Complaint.

54. Defendant denies the allegations contained in paragraph 48 of Plaintiffs' Original Complaint.

55. Defendant denies the allegations contained in paragraph 49 of Plaintiffs' Original Complaint.

56. Defendant denies the allegations contained in paragraph 50 of Plaintiffs' Original Complaint.

57. Defendant denies the allegations contained in paragraph 51 of Plaintiffs' Original Complaint and the footnote thereto.

58. Defendant denies the allegations contained in paragraph 52 of Plaintiffs' Original Complaint and the footnote thereto.

59. To the extent that the Court construes the subheadings contained on page twelve of Plaintiffs' Original Complaint to be allegations within the meaning of Federal Rule of Civil Procedure 8(b)(1)(B), Defendant denies such allegations and denies that any of its actions violated any of Plaintiffs' constitutional rights.

60. Defendant denies as worded the allegations contained in paragraph 53 of Plaintiffs' Original Complaint.

61. Defendant denies the allegations contained in paragraph 54 of Plaintiffs' Original Complaint.

62. Defendant denies the allegations contained in paragraph 55 of Plaintiffs' Original Complaint.

63. Defendant denies the allegations contained in paragraph 56 of Plaintiffs' Original Complaint.

64. Defendant denies the allegations contained in paragraph 57 of Plaintiffs' Original Complaint.

65. Defendant denies the allegations contained in paragraph 58 of Plaintiffs' Original Complaint.

66. Defendant denies as worded the allegations contained in paragraph 59 of Plaintiffs' Original Complaint.

67. To the extent that the Court construes the subheading contained on page thirteen of Plaintiffs' Original Complaint to be an allegation within the meaning of Federal Rule of Civil Procedure 8(b)(1)(B), Defendant denies such allegation and denies that any of its actions violated any of Plaintiffs' constitutional rights.

68. Defendant denies as worded the allegations contained in paragraph 60 of Plaintiffs' Original Complaint.

69. Defendant denies the allegations contained in paragraph 61 of Plaintiffs' Original Complaint.

70. Defendant denies as worded the allegations contained in paragraph 62 of Plaintiffs' Original Complaint.

71. Defendant denies as worded the allegations contained in paragraph 63 of Plaintiffs' Original Complaint.

72. Defendant is without sufficient information to admit or deny the allegations contained in paragraph 64 of Plaintiffs' Original Complaint.

73. Defendant is without sufficient information to admit or deny the allegations contained in paragraph 65 of Plaintiffs' Original Complaint.

74. Defendant denies the allegations contained in paragraph 66 of Plaintiffs' Original Complaint.

75. Defendant denies the allegations contained in paragraph 67 of Plaintiffs' Original Complaint.

76. Defendant denies the allegations contained in paragraph 68 of Plaintiffs' Original Complaint.

77. Defendant denies the allegations contained in paragraph 69 of Plaintiffs' Original Complaint.

78. Defendant denies the allegations contained in paragraph 70 of Plaintiffs' Original Complaint.

79. Defendant denies as worded the allegations contained in paragraph 71 of Plaintiffs' Original Complaint.

80. Defendant denies as worded the allegations contained in paragraph 72 of Plaintiffs' Original Complaint.

81. Defendant denies the allegations contained in paragraph 73 of Plaintiffs' Original Complaint.

82. Defendant denies the allegations contained in paragraph 74 of Plaintiffs' Original Complaint.

83. To the extent that the Court construes the subheading contained on page fifteen of Plaintiffs' Original Complaint to be an allegation within the meaning of Federal Rule of Civil Procedure 8(b)(1)(B), Defendant denies such allegation and denies that any of its actions violated any of Plaintiffs' constitutional rights.

84. Defendant is without sufficient information to admit or deny the allegations contained in paragraph 75 of Plaintiffs' Original Complaint.

85. Defendant is without sufficient information to admit or deny the allegations contained in paragraph 76 of Plaintiffs' Original Complaint.

86. Defendant denies the allegations contained in paragraph 77 of Plaintiffs' Original Complaint.

87. Defendant denies the allegations contained in paragraph 78 of Plaintiffs' Original Complaint.

88. Defendant denies the allegations contained in paragraph 79 of Plaintiffs' Original Complaint.

89. Defendant denies the allegations contained in paragraph 80 of Plaintiffs' Original Complaint.

90. Defendant denies the allegations contained in paragraph 81 of Plaintiffs' Original Complaint.

91. Defendant denies the allegations contained in paragraph 82 of Plaintiffs' Original Complaint.

92. Defendant denies the allegations contained in paragraph 83 of Plaintiffs' Original Complaint.

93. Defendant denies the allegations contained in paragraph 84 of Plaintiffs' Original Complaint.

94. Defendant admits that Plaintiffs seek to certify a class as alleged in paragraph 85 of Plaintiffs' Original Complaint, but it denies that Plaintiffs are entitled to any relief whatsoever as a result of their claims.

95. Defendant admits that Plaintiffs seek to certify a class as alleged in paragraph 86 of Plaintiffs' Original Complaint, but it denies that Plaintiffs are entitled to any relief whatsoever as a result of their claims.

96. Defendant denies the allegations contained in paragraph 87 of Plaintiffs' Original Complaint.

97. Defendant denies the allegations contained in paragraph 88 of Plaintiffs' Original Complaint.

98. Defendant denies the allegations contained in paragraph 89 of Plaintiffs' Original Complaint.

99. Defendant denies the allegations contained in paragraph 90 of Plaintiffs' Original Complaint.

100. Defendant denies the allegations contained in paragraph 91 of Plaintiffs' Original Complaint.

101. Defendant denies the allegations contained in paragraph 92 of Plaintiffs' Original Complaint.

102. Defendant denies the allegations contained in paragraph 93 of Plaintiffs' Original Complaint.

103. Defendant denies the allegations contained in paragraph 94 of Plaintiffs' Original Complaint and all subparts thereof.

104. Defendant denies the allegations contained in paragraph 95 of Plaintiffs' Original Complaint.

105. Defendant denies the allegations contained in paragraph 96 of Plaintiffs' Original Complaint.

106. Defendant denies the allegations contained in paragraph 97 of Plaintiffs' Original Complaint.

107. Defendant denies the allegations contained in paragraph 98 of Plaintiffs' Original Complaint.

108. Defendant denies the allegations contained in paragraph 99 of Plaintiffs' Original Complaint.

109. Defendant denies the allegations contained in paragraph 100 of Plaintiffs' Original Complaint.

110. Defendant denies the allegations contained in paragraph 101 of Plaintiffs' Original Complaint.

111. Defendant denies the allegations contained in paragraph 102 of Plaintiffs' Original Complaint.

112. Defendant denies the allegations contained in paragraph 103 of Plaintiffs' Original Complaint.

113. Defendant denies the allegations contained in paragraph 104 of Plaintiffs' Original Complaint.

114. Defendant denies the allegations contained in paragraph 105 of Plaintiffs' Original Complaint.

115. Defendant admits that Plaintiffs attempt to incorporate allegations by reference as alleged in paragraph 106 of Plaintiffs' Original Complaint and refer the Court and Plaintiffs to its corresponding responses hereinabove.

116. Defendant denies the allegations contained in paragraph 107 of Plaintiffs' Original Complaint.

117. Defendant denies the allegations contained in paragraph 108 of Plaintiffs' Original Complaint.

118. Defendant denies the allegations contained in paragraph 109 of Plaintiffs' Original Complaint.

119. Defendant denies the allegations contained in paragraph 110 of Plaintiffs' Original Complaint.

120. Defendant denies the allegations contained in paragraph 111 of Plaintiffs' Original Complaint.

121. Defendant denies the allegations contained in paragraph 112 of Plaintiffs' Original Complaint.

122. Defendant denies the allegations contained in paragraph 113 of Plaintiffs' Original Complaint.

115. Defendant admits that Plaintiffs seek a trial by jury as alleged in Paragraph 114 of Plaintiffs' Original Complaint but deny that Plaintiffs are entitled to any recovery whatsoever as a result of their claims.

116. Defendant admits that Plaintiffs seek the relief requested in the section titled "Prayer for Relief" of Plaintiffs' Original Complaint and all subparts thereof, but it denies that Plaintiffs are entitled to any recovery or relief as a result of their claims and denies the remaining allegations in the aforementioned section.

117. Defendant denies each and every, all and singular, material allegations of Plaintiffs' Original Complaint not specifically admitted herein.

II. **AFFIRMATIVE DEFENSES**

1. Defendant Smith County is not liable for punitive damages as a matter of law.

2. Plaintiffs failed to mitigate their damages.
3. Smith County is entitled to sovereign immunity from the allegations in Plaintiffs' Complaint in accordance with the standards of *Monell* and its progeny. Smith County is entitled to immunity under the Eleventh Amendment of the United States Constitution.
4. Plaintiffs were not injured as the result of any policy, custom, or practice of Smith County, Texas. Smith County therefore cannot be liable.
5. Smith County cannot be liable because Plaintiffs were not injured as the result of any policy, custom, or practice of Smith County, Texas.
6. Plaintiffs assumed the risk of their injuries, if any.
7. Plaintiffs' own actions were the sole cause of their injuries, if any.
8. Plaintiffs waived any and all claims against Defendant.
9. Plaintiffs have failed to state a claim upon which relief can be granted.
10. Plaintiffs' claims are barred by the applicable statute of limitations.
11. Smith County is not liable to Plaintiffs because they have failed to plead or prove any set of facts that would satisfy the "policy, custom, or practice" requirements contained in *Monell* and its progeny. Plaintiffs have not been injured as a result of a policy, custom, or practice of Smith County, Texas.
12. Any claims for punitive damages are subject to the applicable provisions of the United States and Texas Constitutions, including, but not limited to, those provisions that pertain to due process, equal protection, taking of private property, and excessive fines and punishments.
13. Defendant denies violating any of Plaintiffs' constitutional rights or otherwise injuring Plaintiffs.

14. Defendant denies that it had actual knowledge of any alleged serious risk of harm to Plaintiffs or of any alleged constitutional violations.

15. Defendant denies being deliberately indifferent to any alleged serious risk of harm to Plaintiffs or to any of their alleged constitutional rights.

16. Defendant would show that all of its alleged acts or omissions were made in good faith and were objectively reasonable, and it denies that any of its alleged acts or omissions were undertaken maliciously, intentionally, with callous or deliberate indifference, knowingly, negligently, or with any other degree of culpability.

17. Smith County would show that liability under § 1983 cannot be premised on *respondeat superior*, and Defendant denies that it is vicariously liable.

18. Defendant denies that any official policy or custom of Smith County's final policymaker was the moving force behind any alleged violation of Plaintiffs' constitutional rights.

19. Defendant would show that Plaintiffs' allegations are insufficient to show the existence of a policy, custom, or practice.

20. Plaintiffs' injuries, if any, were caused by Plaintiffs or by third parties over whom Defendant had no control.

21. Plaintiffs' injuries, if any, were caused by new and independent causes not reasonably known or foreseen by Defendant.

22. Plaintiffs' alleged damages, if any, are too speculative to form the basis of recovery.

23. Defendant invokes all statutory and common law damage caps with respect to Plaintiffs' alleged damages.

24. Plaintiffs' claims are barred by the principle set forth in *Heck v. Humphrey*, 512 U.S. 477, 114 S. Ct. 2364, 129 L. Ed. 2d 383 (1994).

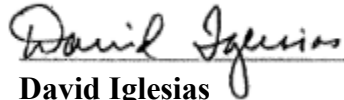
III.
JURY DEMAND

Defendant asserts its rights under the Seventh Amendment to the United States Constitution and demand, in accordance with Federal Rule of Civil Procedure 38, a trial by jury on all issues.

IV.
CONCLUSION

WHEREFORE, PREMISES CONSIDERED, Defendant respectfully requests that Plaintiffs take nothing, and Defendant requests attorney's fees, costs of court, and expert witness fees pursuant to 42 U.S.C. § 1988, and for any and all other relief, at law or in equity, to which it may show itself to be justly entitled.

Respectfully submitted,



David Iglesias

Lead Counsel

State Bar No. 24051733

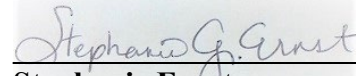
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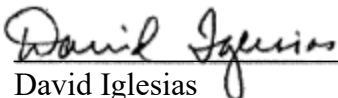
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**COUNSEL FOR DEFENDANT
SMITH COUNTY, TEXAS**

CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2023, a copy of the foregoing was transmitted to all counsel of record in the above-referenced and -numbered action via the Court's electronic filing system, and electronic mail.


David Iglesias